



ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 12: Facilitation Programmes

UPDATING ANNEX 9 CHAPTER 5 TO REFLECT TECHNOLOGICAL ADVANCES

(Presented by the United States)

EXECUTIVE SUMMARY

The International Civil Aviation Organization (ICAO) Annex 9 — *Facilitation* to the Convention on International Civil Aviation, Chapter 5, codifies Standards and Recommended Practices (SARPs) specific to inadmissible persons and deportees. Sections 5.26 through 5.29 set forth requirements for Contracting States to issue travel documents for the repatriation of its nationals within 30 days of a request or by satisfying the requesting State that the person concerned is not one of its nationals. Despite clear requirements, many Contracting States do not comply with these SARPs. Moreover, the 30-day timeline for the issuance of a travel document is no longer adequate to respond to the needs of Contracting States seeking to expeditiously remove individuals without lawful status in their territories; the timeline in the Standard should be updated to reflect modern technological advances that enable Contracting States to identify their nationals and issue travel documents more quickly.

Action: The Assembly is invited to:

- a) remind States of their obligations to adhere to SARPs in the Annexes to the Convention and
- b) agree to prioritize Annex 9 SARPs 5.26 through 5.29 for amendment/updating to reflect modern technological advances, allowing States to provide travel documents for their nationals within seven days of a request of another Contracting State.

<i>Strategic Goals:</i>	This working paper relates to Strategic Goal — Aviation Delivers Seamless, Accessible and Reliable Mobility for All
<i>Financial implications:</i>	None
<i>References:</i>	Annex 9 — <i>Facilitation</i> , Chapter 5. Inadmissible Persons and Deportees

1. INTRODUCTION

1.1 Article 37 of the *Convention on International Civil Aviation*, signed at Chicago on 7 December 1944 and amended by the International Civil Aviation Organization (ICAO) Assembly obligates Contracting States to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to all matters in which such uniformity will facilitate and improve air navigation.

1.2 ICAO Annex 9 — *Facilitation* to the Convention on International Civil Aviation, Chapter 5, codifies Standards and Recommended Practices (SARPs) specific to inadmissible persons and deportees. Sections 5.26 through 5.29 set forth requirements for Contracting States to issue travel documents for the repatriation of its nationals within 30 days of a request or by satisfying the requesting State that the person concerned is not one of its nationals.

1.3 The ICAO Council mandated that beginning 1 April 2010, Contracting States issue only machine-readable passports (MRPs) and that all non-MRPs were to expire by 24 November 2015.

1.4 Today, most travellers use biometric passports, which are MRPs that also include biometric data for traveller identity verification. These passports store essential information on a compact Radio Frequency Identification (RFID) computer chip, allowing Contracting States to quickly authenticate the identity and nationality of the passport holder.

1.5 Accordingly, Standards 5.26–5.29 in Annex 9 are significantly outdated considering the evolution of technology and communications capabilities. The widespread use of biometric passports demonstrates the near-universal adoption of advanced technologies by Contracting States, enabling them to identify their citizens and nationals almost instantly.

1.6 The first edition of Annex 9 became effective 1 September 1949, and contained 89 SARPs. The latest edition contains 442 SARPs, illustrating that the Annex is not static but evolves to keep pace with the demands of the aviation industry and technology.

2. ANNEX 9 — FACILITATION

2.1 Chapter 5 of Annex 9 addresses Inadmissible Persons and Deportees. Sections 5.26–5.29 state:

5.26 A Contracting State shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals.

5.27 A Contracting State shall not make the signing by the person concerned of an application for a travel document a prerequisite for the issuance of that document.

5.28 When a Contracting State has determined that a person for whom a travel document has been requested is one of its nationals but cannot issue a passport within 30 days of the request, the State shall issue an emergency travel document that attests to the nationality of the person concerned and that is valid for readmission to that State.

5.29 A Contracting State shall not refuse to issue a travel document to or otherwise thwart the return of one of its nationals by rendering that person stateless.

3. **MODERNIZING ANNEX 9**

3.1 While Annex 9 continues to evolve through the work of the Facilitation Panel and its Working Group on Annex 9, attention should be drawn to SARPs 5.26–5.29, and the need to prioritize them for updates/modernization. These SARPs directly pertain to the national security of Contracting States.

3.2 Modern technological advances must be considered and the 30-day timeline for travel document issuance to facilitate return of a State’s nationals should be significantly shortened.

3.3 Considering technological advances and capabilities, the current timeline for travel document issuance of 30 days should be modified to 7 days.

3.4 The orderly and timely repatriation of nationals strengthens all Contracting States’ sovereignty and must be adopted as a global goal.

4. **CONCLUSION**

4.1 Modernizing Chapter 5 of Annex 9 creates a safer environment for Contracting States and for those residing within those States. Specifically, timely travel document issuance for returning nationals/deportees results in reduced detention time and reduced costs for the Contracting State effecting the removal.

4.2 The 30-day time frame for the issuance of a travel document as required in Standard 5.26 is no longer fit for purpose; the timeline in the Standard should be updated to reflect modern technological advances that enable Contracting States to identify their nationals and issue travel documents more quickly.

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